

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 16-0295**

**MOTTA v. FLAGSTAR BANK**

### Appellate Case Information

Case Filed: 20-May-2016

Case Closed:

### Dept/Composition

#### Side 1. JOHN MOTTA, Plaintiff/Appellant

(Litigant Group) JOHN MOTTA

- John Motta

#### Attorneys for: Plaintiff/Appellant

Beth K Findsen, Esq. (AZ Bar No. 23205)

#### Side 2. FLAGSTAR BANK FSB, Defendant/Appellee

(Litigant Group) FLAGSTAR BANK FSB

- Flagstar Bank FSB

#### Attorneys for: Defendant/Appellee

Bradley A Burns, Esq. (AZ Bar No. 30508)

Cynthia L Alexander, Esq. (NV Bar No. 6718)

### CASE STATUS

Nov 30, 2016...At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-052407	Quiet Title/Fraudulent Title		John R Hannah, Authoring Judge of Order		

### 26 PROCEEDING ENTRIES

- 20-May-2016 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/22/16
- 20-May-2016 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Depositions: John Motta; Scott Green
- 20-May-2016 FILED: Additional Record on Appeal:  
Exhibits: HD 9/14/15 LIST # 2 3 4 5 8 9 10 13 15 17 19 21 22 23 24 27 30 31 32 39 45 46 50 51 52 53 54 55 56 57 58 59 61 62  
66 67 68 76 77 78 80 84 90 96 99 108 109 110 118 121 in manila envelope
- 26-May-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 1-Jun-2016 FILED: Notice of Trial Court Motion Per ARCAP 9(e)(2); Certificate of Service (Appellant)
- 2-Jun-2016 ORDERED: Staying appeal and revesting jurisdiction in the Superior Court to consider pending motion for new trial. FURTHER ORDERED: Within ten days of superior court ruling on motion, appellant shall file a notice with Court with ruling attached. FURTHER ORDERED: If a party wishes ruling on motion reviewed in appeal, party must file a timely or amended notice of appeal. FURTHER ORDERED: Appellant's notice of status of motion due 07/18/2016. FURTHER ORDERED: Vacating 06/15/2016 case management statement due date and 07/25/2016 opening brief due date. Melina Brill ProTem Judge - Author
- 6-Jun-2016 RECEIPT No.: 2016-00682 ; \$280.00, Authorization: # 58005071459, Applied to: JOHN MOTTA - Class A Filing Fee (\$280.00)  
Paid for: Law Offices of Beth K Findsen PLLC - By Integrated Resource Systems IN
- 21-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including unsigned Ruling daetd 6/16/16 re: denying Plaintiff's Motion for New Trial)
- 23-Jun-2016 FILED: Notice of Ruling; Certificate of Service; Courtesy Copy - Ruling filed 06/16/2016 in Maricopa County Superior Court re: Motion for New Trial (Appellant)
- 23-Jun-2016 FILED: Appellants Notice of Trial Court Motion Per ARCAP 9(E)(2); Certificate of Service (Appellant)
- 27-Jun-2016 ORDERED: (per Eaton Fruit Co. v. California Spray-Chemical Corp) continuing stay of appeal to/including 07/27/2016, for purpose of Maricopa County Superior Court to consider pending motion. FURTHER ORDERED: if appellant wishes ruling on motion to be reviewed, appellant must file a timely notice of appeal. FURTHER ORDERED: if appeal reinstated by filing of signed order, case management statement due 08/05/2016 and opening brief due 08/26/2016. Melina Brill ProTem Judge - Author

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 16-0295****MOTTA v. FLAGSTAR BANK****26 PROCEEDING ENTRIES**

12.	5-Jul-2016	FILED: Notice of Final Ruling and Amended Notice of Appeal; Certificate of Service; Final Order; Amended Notice of Appeal (Appellant)
13.	14-Jul-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Plaintiff's First Amended Notice of Appeal filed 7/5/16)
14.	8-Aug-2016	FILED: Case Management Statement (Appellant)
15.	8-Aug-2016	FILED: Appellant's Unopposed Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Appellant)
16.	9-Aug-2016	FILED: Reporter's Transcript - 09/14/2015 - Bench Trial - (Marylynn LeMoine)
17.	9-Aug-2016	FILED: Reporter's Transcript - 09/15/2015 - Bench Trial - (Marylynn LeMoine)
18.	10-Aug-2016	ORDERED: Appellant's Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-26-2016 to Monday, 09-26-2016. Barbara Vidal Vaught ProTem Judge - Author
19.	26-Sep-2016	FILED: Appellant's Opening Brief; Certificate Compliance; Certificate of Service (Appellant)
20.	4-Nov-2016	FILED: Appellee Flagstar Bank, FSB's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
21.	4-Nov-2016	FILED: Appendix To Appellees' Answering Brief; Appendix to Appellees' Response Brief (volume 1); Appendix to Appellees' Response Brief (volume 2); Appendix to Appellees' Response Brief (volume 3) (Appellee)
22.	4-Nov-2016	FILED: Appendix to Appellees' Response Brief (volume 4); Appendix to Appellees' Response Brief (volume 5) (Appellee)
23.	9-Nov-2016	RECEIPT No.: 2016-01364 ; \$140.00, Authorization: #13020148593, Applied to: FLAGSTAR BANK FSB - Class B Filing Fee (\$140.00) Paid for: Dickinson Wright PLLC - By Integrated Resource Systems IN
24.	30-Nov-2016	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
25.	5-Jan-2017	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26.	12-Jan-2017	FILED: Supplemented Superior Court e-Record with Revised Index of Record